

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20-cv-00131-MR**

JOSHUAH L. BURR,

Plaintiff,

vs.

**MACON COUNTY SHERIFFS
OFFICE, et al.,**

Defendants.

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ORDER

THIS MATTER is before the Court on its own motion on Plaintiff's failure to respond to the Court's Order for Plaintiff to notify the Court of his new address. [Doc. 7].

Pro se Plaintiff Joshua L. Burr ("Plaintiff") filed this action on May 28, 2020, pursuant to 42 U.S.C. § 1983, naming five Defendants based on an alleged failure to protect Plaintiff from an attack by another inmate while Plaintiff was incarcerated at the Macon County Detention Center in Franklin, North Carolina. [Doc. 1]. The alleged attack occurred on December 12, 2016. [Id. at 4].

Since Plaintiff filed his Complaint, the Clerk of Court has mailed Plaintiff an Order of Instructions [Doc. 3] and an Order for Prisoner Trust Account Statement [Doc. 4], both of which were returned as undeliverable. [Docs. 5,

6]. The return stamps on the undelivered mail read: “RETURN TO SENDER - ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD.” [Id.]. Thereafter, on June 22, 2020, the Court ordered that Plaintiff had fourteen (14) days to notify the Court of his new address and advised Plaintiff that his “failure to timely notify the Court will result in dismissal of this action without prejudice and without further notice to Plaintiff.”¹ [Doc. 7 at 2-3]. The deadline to notify the Court has expired and Plaintiff has not notified the Court of his new address.

The Court will, therefore, dismiss this action without prejudice for Plaintiff’s failure to prosecute.

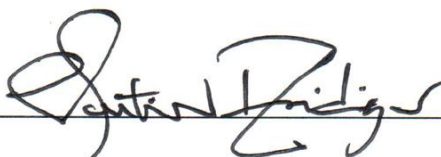
ORDER

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** for Plaintiff’s failure to prosecute.

The Clerk is respectfully instructed to terminate this action.

IT IS SO ORDERED.

Signed: July 14, 2020



Martin Reidinger
Chief United States District Judge



¹ This mail was also returned as undeliverable. [Doc. 8].